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"CUIUS REGIO, ILLIUS OPINIO": CONSIDERATIONS  
ON THE PRESENT CRISIS OF THE  
TOLERANCE IDEA<sup>1</sup>

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TOLERANCE and liberty of thought—when we of the older generation were young these twin suns stood high in the firmament, in their light we scanned things mental, by their genial rays were our actions informed. Today they have declined low in the heavens and seem about to set. To us, therefore, there seems to be no weightier question than that which inquires into their whence and whither, into the law that governs their orbit. I can, alas, contribute only a few disjointed, inadequate remarks toward the answer, remarks which proceed somewhat at random from a point of departure in which I am personally interested.

Last year exactly three-quarters of a century had elapsed since John Stuart Mill's essay *On Liberty* appeared (London, 1859). In the spirit of that saying of Wilhelm von Humboldt's which precedes it as a motto, he with unfaltering consistency champions the rights of the individual against society, the state, and public opinion. The second chapter, in particular, treats of the liberty of thought and of speech. It states that this latter, and more especially the freedom of the printed word, is indeed recognized in England (if not according to the letter of the law, yet in the spirit in which it is practiced); but it maintains that as regards its grounds and its limits the needful clearness is lacking. It asserts that unrestricted freedom for the expression of all opinions is an indispensable requisite for the public weal, nay, for human progress, and that this freedom ought to be checked only where the circumstances are such that the expression of an

<sup>1</sup> A lecture delivered in the Prague Kant Society on February 2, 1935. Translated by T. H. Nash. The author is at present visiting professor at the University of Southern California.



opinion is tantamount to an instigation to perpetrate a penal offense here and now.

My father translated this work of John Stuart Mill's into German soon afterward, and it seemed to him so important that ten years later he assigned it the foremost place in the first volume of the German edition of Mill's works of which he was the editor (*J. S. Mill's gesammelte Werke*, Band I [Leipzig, 1869]). In the following we will indicate on what weak foundations Mill's theory rests, despite his astounding insight on more than one single point, and how little it has withstood the stress of time. But first we must quote from his ratiocination some passages that may still be worth taking to heart.

"The peculiar evil of silencing the expression of an opinion is that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth; if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error" (p. 33). "There is always hope when people are forced to listen to both sides; it is when they attend only to one that errors harden into prejudices, and truth itself ceases to have the effect of truth, by being exaggerated into falsehood" (p. 94). "However true an opinion may be, if it is not fully, frequently and fearlessly discussed, it will be held as a dead dogma, not a living truth" (p. 64). "If even the Newtonian philosophy were not permitted to be questioned, mankind could not feel as complete assurance of its truth as they now do" (p. 40). "The price paid for a certain sort of intellectual pacification is the sacrifice of the entire moral courage of the human mind" (p. 60). "Who can compute what the world loses in the multitude of promising intellects combined with timid characters, who dare not follow out any bold, vigorous, independent train of thought, lest it should land them in something which would admit of being considered irreligious or immoral" or unpatriotic? (p. 61). "All attempts



by the state to bias the conclusions of its citizens on disputed subjects are evil" (p. 193).

These principles and claims, to be sure, have neither in 1859 nor since then been acted on everywhere, or, for that matter, even within the sphere of European civilization, but they have enjoyed approximate, though locally and temporarily incomplete, recognition. But today, after the lapse of seventy-five years, what aspect does the area of European civilization present? In the vast expanse from the Rhine in the west to the Bering Straits in the east, a comparatively few free zones excepted, the tenets of liberty are on principle proscribed. There are indeed topics enough that are permitted to be discussed: views on the language of the Hittites, on the spectrum of the cosmic nebulae, are not subject to the censor. But, on the other hand, everywhere in this tract, and above all in Russia, Italy, and Germany, there is a not too narrowly drawn circle of questions that are not open to free discussion, because to them state authority has prescribed an answer that is binding. For most of the views concerning society, civics—yea, even ethnology—this maxim is law: *cuius regio, illius opinio*. Whoever, in such questions, runs counter to the answer which has been declared obligatory is regarded as an enemy to the state, the people, the class. For trivial offenses against the prescribed opinions he is condemned to silence and falls into disfavor; for serious ones he may expect to be restricted in his movements, confined in detention camps, banished to Siberia! How has this revolution of ideals, this revaluation of principles, come about? What impelled the one to establish this new order? What induces the others to submit to it?

We must at the outset frankly confess that in one point, at least, the expectations attached to the privilege of giving voice to one's sentiments have been severely disappointed. The freedom of the press has in many respects not proved a success. The protection that was intended for solitary thinkers, bold innovators, valiant champions has much more frequently been



claimed by ignoramuses and blackmailers, by mercenary pamphleteers in the pay of a government, a bank, an arms factory, by profit-seekers and sensation-mongers. Is it really an interest worthy of our care that people who neither know the language in which, nor the subject about which, they write, should stifle the readers' sense of language and fill their minds with an inane jingle of words? (But a few months ago I read in an important newspaper that Japan intended establishing a naval base in the Cordilleras, and again that for Japan Buddhism is a Monroe Doctrine whose outline grows blurred in India thousands of miles away!) And that the press of great countries should exaggerate every incident and overtly or covertly incite to war, be it for the purpose of increasing their own circulation or the turnover of armament manufacturers? If we visualize these things, they seem to cry aloud for rigorous supervision and pitiless censorship. But, then, whom can we intrust with such a task? Is the right to supervise public expression of opinion not just as obnoxious to abuse as that of expression itself? Nay, would not sordid influences brought to bear upon the supervisor and consequently, upon the entire press of a country have a still more pernicious effect than they can have in countries where the press remains free, and therefore at least a fraction of the public newspapers untrammelled? Whoever gauges the value of public institutions, not so much by what they could effect if exemplarily administered (for then life might be quite tolerable under most dispensations), but rather by the guaranty they afford against the abuse that sooner or later is inevitable, will hardly be disposed to negative the question. The question of the utility of a press censorship, therefore, remains open; it may be answered in various ways according to place, time, and circumstances; but it is certainly undeniable that the freedom of the press has not fulfilled expectations and by this failure has contributed largely to the staggering of faith in the liberty of thought and of opinions.

Nor must one delude one's self concerning the carrying capacity of the general grounds upon which this faith is customarily



based; and I may claim never to have done so. Mill's essay on liberty was one of the very first philosophical books that came into my hands, and yet I was immediately aware of the indistinctness of his main theory and no less aware of the force of grave objections to this main principle. Mill has clothed it in the words (pp. 21 f.): "The sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. The only purpose for which power can be rightfully exercised over any (adult and sane) member of a civilized community, against his will, is to prevent harm to others." But where does "self-protection" begin? Where does "harm" set in? When, by the spoken or written word, immoral or unpatriotic doctrines are disseminated, are not the hearers or readers "harmed," is not the community thereby imperiled? And with what right is a deep gulf set between adult and sane civilized men on the one side and minors, morons, and "barbarians" on the other? If adults may interfere with the freedom of children, sane persons with the liberty of insane, Europeans with the freedom of barbarians, why not the educated with the freedom of the uneducated, or those possessed of a more highly developed moral sense with the liberty of those of an inferior morality? Does not the nature of the delimitation ultimately savor somewhat more of the Englishman's love of liberty and national pride than of a universally valid principle and sound common sense?

In fact, he who absolutely and unconditionally believes in the truth and at the same time in the vital importance of a view, a conviction, will only let himself be restrained by very special circumstances from applying all the means in his power toward its propagation, and, when that is possible, from combating by force and with violence all opinions and doctrines that he may consider deleterious. The pretention that the believer should treat with toleration the enunciation and propagation of doctrines which he is convinced will consign to hell-fire everyone who accepts them has always seemed preposterous to me. And



is one more likely to meet with such toleration from those whose belief it is that the propagation and the spreading of the adversary's doctrine, though not leading to eternal damnation, is yet conducive to the perpetuation of injustice and tyranny, will bring about the decay of society, the downfall of one's country, the degeneration of one's own people, the ruin of humanity? Mill himself was well aware of this. He writes (p. 29): "The disposition of mankind, whether as rulers or as fellow-citizens, to impose their own opinions and inclinations as a rule of conduct on others, is so energetically supported by some of the best and by some of the worst feelings incident to human nature, that it is hardly ever kept under restraint by anything but want of power."

With what does Mill counter this? "We can never," says he (p. 34), "be sure that the opinion we are endeavouring to stifle is a false opinion." "To call any proposition certain, while there is any one who would deny its certainty if permitted, but who is not permitted, is to assume that we ourselves are the judges of certainty" (p. 41). "All silencing of discussion is an assumption of infallibility" (p. 34). In my opinion, Mill in all this is a thousand times right. But can we therefore expect him who in a cause exerts all his ability and volition, nay, perhaps even stakes his life for it, to have any doubts upon the sole right of that cause? Would he, if entertaining such doubts, risk the stakes? He who is to venture all for a cause must believe in it absolutely and unreservedly; but whoever believes in a cause unconditionally will scarcely convince himself that another faith may oppose his with equal right. This, in my opinion, holds good even for those thinkers who believe themselves to possess absolutely clear, "evident" truths—unless, indeed, this "evidence" relates only to trivial truisms and is of no consequence for really vexed and difficult questions of life; of him, however, who is convinced that he has assured answers to questions of this latter nature, also, one can hardly expect that he should display much toler-



ance toward advocates of contrary views; and experience seems rather to corroborate this assumption than to refute it.

Yet, be that as it may, what in the past were the chief sources of tolerance? With a little exaggeration and a somewhat pointed expression one may well reply: Indifference on the one hand; the fear of retribution on the other. When belief ceases to be a consuming fire, when it, so to say, lingers merely as a warming flame in the domestic hearth; when custom has convinced the believer of the ineradicability of error, of the intractability of the adversaries; when, moreover, circumstances bring him into daily contact with these adversaries, nay, even unite them with him in bonds of common interest; and when, finally, to all this is added natural kindliness and sociability on his part, then indeed may belief, whether religious or political, be more or less closely wedded with tolerance. And when, on the other hand, the distribution of power and predominance is uneven and unstable; when the creed that prevails here succumbs there, that which is dominant today is in subjection tomorrow; when experience teaches that every oppression of an alien belief corresponds to or is followed by persecution of one's own, then there is formed, as it were, a conventional rule of mutual toleration, which, when everything goes smoothly, may develop into the recognition of an inalienable right of man. Mill himself has occasionally given a definite pronouncement thereon: "So natural to mankind is intolerance in whatever they really care about, that religious freedom has hardly anywhere been practically realized, except where religious indifference, which dislikes to have its peace disturbed by theological quarrels, has added its weight to the scale" (p. 19). "Minorities, seeing that they had no chance of becoming majorities, were under the necessity of pleading to those whom they could not convert for permission to differ" and in so far to recognize their different persuasion also.

The remarkable inclination of our times to political intolerance is, therefore, to a certain degree, capable of a very simple explanation. After the World War great political, social, and



economic changes happened, bringing with them great spiritual movements. New movements are naturally taken very seriously by their originators and their first disciples. And when men are in earnest they naturally tend to be intolerant in those matters about which they are in earnest. And the movements being new, they have not as yet established a balance of power between them on which an attitude of "live and let live" might be based.

Nor is this all. The new ratios of power are insecure, pregnant with risks for any order, be it old or new. And the danger threatens not only the order and the community; it also menaces each single individual. For the conditions of life have become extremely difficult: distress pairs with danger. But times of distress are not at all propitious to tolerance, to the freedom of the individual. They demand definite commands, silent obedience, an unbroken front, unanimous collaboration. A state of affairs such as according to Nestroy prevailed among the Hebrew soldiers, in which, upon the command: "Eyes left!" the counter-cry "Why left? Why not right?" resounded from the ranks, unreasonable enough in an army, is most unreasonable and absurd in the crew of a storm-tossed ship. Here, as it were, freedom "suspends" itself. Only one can have the command. Who will it be? There is no time to argue it out. Where a commander has been in charge, let him assume all the authority; where there is none, let any stout-hearted man take over the conduct of affairs. It is true that not always will either the one or the other be equal to the task. Fortunate the vessel whose helm—though only by a lucky chance—is controlled by the fittest hand! Mill, too, for that matter, knew that there are situations and times in which full liberty of the individual can scarcely be vindicated. "The ancient commonwealths," he says (p. 27), "thought themselves entitled to practise, and the ancient philosophers countenanced, the regulation of every part of private conduct by public authority, on the ground that the State had a deep interest in the whole bodily and mental dis-



cipline of every one of its citizens." "And this mode of thinking," he continues, "may have been admissible in small republics surrounded by powerful enemies, in constant peril of being subverted by foreign attack or internal commotion, and to which even a short interval of relaxed energy and self-command might so easily be fatal, that they could not afford to wait for the salutary permanent effects of freedom." One observation, however, must be added. Emergency may justify many a restriction of liberty; it may justify criticism being temporarily suppressed, the dissemination of opinions that run counter to those of the governors being rendered difficult or even prohibited altogether, but only provided that concord is thereby in fact increased, and order and collaboration are strengthened. It cannot, however, justify anything that merely produces the appearance of unity, but in reality is fitted to undermine rather than to promote it. And that is the case when the powers that be, not content with condemning contradiction to silence, impose expressions of consent, thereby extorting a lip-confession which by no means comes from the heart of many, or even of most. For to what else could this lead but to widespread hypocrisy, enhanced exasperation, and internal decomposition? Moreover, if such a state of affairs continue for any length of time, the lack of any public check will make itself ever more and more painfully felt. For how should abuse fail to creep in, if it has no exposure to fear? And the worst of it is, that from the very nature of things it is the dictator himself who has to decide how long the emergency endures, when the obligation to obey in silence is to be repealed, and when the expression of opinion is to be unshackled. And, human nature being what it is, he will not be too quickly disposed to declare his task accomplished and himself dispensable. Solon resigned his archontate after a year; Cincinnatus returned to his plow after six months. When a dictatorship does not end soon, it becomes a tyranny.

Yet another circumstance, apparently of secondary, but in truth of great, importance, must be borne in mind, one that, as



I see it, has had no little share in making it seem possible, nay—to some extent—actually rendering it possible to impose uniformity on public opinion. Beside the old media for influencing the masses, the spoken word and the printing press, the speech at public assemblies and the newspaper, another has in recent times come into play: wireless broadcasting. This differs from the other two in its being able to appeal to a much larger number. Compared with public oratory, it has a further advantage in that the speaker over the wireless need never fear contradiction, cannot be heckled, can never be embarrassed by a counter-argument, or shouted down by a hostile crowd. And it differs from the newspapers in that many of these can exist side by side catering for and molding various bodies of opinion within the nation; the waves of the ether, on the other hand, disturb one another; where an amicable agreement has not provided against the contingency, only one sending station in each country can make itself heard. Inevitably it will be that one that is controlled by those in power. And so the same reports, the same arguments, the same catchwords rain down incessantly upon all the listeners; but to the cry of indignation, to counter-arguments, to modest objection, nay, even to the simple question, the ether is insensible. The brains of innumerable hearers finally yield to the incessant, unvarying pressure, a stereotyped public opinion is fashioned, a pattern of what the right-minded citizen, the true compatriot, the class-conscious proletarian has to think, to say, to hope, to fear, of what he has to rejoice over, of what he has to raise indignant protest against. Every departure from this pattern, every personal opinion—and were it only about the aptitude of the governors for leadership—then assumes the aspect of treachery to the country, the people, the class. And for a time the great majority may succumb to this influence. But how long, from its very nature, can such a mass-belief endure when it refers to things mundane that are subject to, and can be tested by, experience? In his own little circle everyone is brought face to face with reality; defects and shortcomings irk, humanities



obtrude themselves, disappointment ensues. But the powers that be may continue to flatter themselves that the political letter-writer which is their handiwork really is and remains the regulator of the thought, belief, and feeling of the citizens, and that it sets the standard for the intellectual life of the nation. Socrates was poisoned, the Savior crucified, St. Stephen stoned, St. Paul beheaded: all the great men of the past had to fight till they were sore and weary against the obtuse opposition of the world; only the wireless speaker, or so he would fain persuade himself, can achieve his aim without a struggle; he comes, bawls, and conquers!

The conditions prevailing in our time, as described in the foregoing, may, to a certain extent, enable us to comprehend why in our days, over a large part of the surface of the globe, there should be an increased propensity to intolerance, to imposing uniformity on public opinion, to the suppression of all dissent. But a certain proclivity of this nature existed and exists always and everywhere, and it is less its strength than the force of the resistance offered to it that decides whether this tendency becomes supreme or not. For a proper understanding of the breakdown of mental freedom, it is not, I opine, so much the reasons that induce and encourage those in power to restrict this freedom that we ought to realize, but rather those which move the great mass of the people to submit to such restrictions. And these reasons seem to me to lie mainly in the domains of economic and social phenomena. When, therefore, I proceed to point out these reasons, I am following the course laid down by Marx and Engels, which is commonly known as the "materialistic" view of history. It is, therefore, I take it, imperative upon me at the outset to define in a few words my attitude toward this view.

On the manner in which this is to be understood and interpreted there rages, it is true, an unending dispute in which I by no means desire to become involved. In its most crude and palpable form, historical materialism (which, however, even then



would, I think, be more suitably styled "economism") is summed up in the statement that among all the branches of human civilization—economics, law, art, science, religion—it is only the first, economics, that is "independently variable"; all the variations of the others being primarily conditioned by those of this one branch, and only secondarily interdependent. Even in this one-sided form we must not deny to historical materialism a considerable measure of stimulative force conducive to the revelation of new points of view and of connections hitherto unnoticed. It is upon one of the points of view appertaining thereto that I wish to take my stand in the following, and that is just why I desire to state that, and give the reasons why, I am unable to assent to a materialism thus apprehended, in so far as it pretends to be a conception of history generally valid. When confronting its main proposition I cannot but ask myself: Whence do the changes of economic life proceed? And I am impelled to answer: Economic life is the result of mutual interaction between man and his environment; its mutations also must therefore ultimately derive from these two given factors. Now, in the spaces of time into which the evolutions of human history are compressed, those changes in Nature that are independent of the acts of man play a comparatively small part (little as I desire to underrate and still less to overlook the historical importance of climatic fluctuations with all their consequences, such as the appearance and disappearance of steppes and deserts). It is man, it seems to me, who, above all, changes, while economic life only follows in his train. For instance, according to his anticipation of the immediate future only, or of a remote future also, man will endeavor to obtain a momentary, a year's, or even a permanent return. Place an Australian black, a fellah, and an Englishman in the same surroundings: the first will seek to live by catching fish, the second by growing maize, wheat, or sugar cane, the third by constructing a barrage. But if the physical and mental development of man influences his economic life, why may it not also directly (i.e., without the intermediate agency of



17 economic life) influence his laws, his art, his science, his religion (important as that agency in itself may be)? Had I to advance general considerations on the philosophy of history, I should try to oppose to the "idealistic" and the "materialistic" view of history a "biological" or biologistic" view, which indeed the "materialistic" in some measure approaches, when, less crudely and one-sidedly apprehended, it conceives not only economics but the entire structure and state of society as a whole to be "independently variable," and more especially recognizes the prevailing level of thought to be one of the "productive forces" that ultimately determine historical evolution. But on that account one must not, in any particular case where it may be needful, neglect the point of view urged by the one-sided "materialist," viz., the direct influence of economic factors upon mental life. And it seems to me that here we have a case of this description.

Men, so I think, allow definite opinions, a definite sentiment, to be prescribed for them, mainly because they are economically in a state of dependence—partly in direct dependence on the public treasury, partly on great undertakings (on banks, industrial combines, insurance companies, collieries, etc.), which again on their part are affected by actions of the government (its orders for the supply of goods, its good-will, its legislation relating to customs and taxation). And that in the countries coming within the scope of our consideration there is scarcely one such enterprise that would dare consciously to oppose those in power (great as may be its influence on the choice and the measures of these authorities) will hardly be disputed. But the great majority of the middle class, the so-called "intelligentsia," is recruited from the civil servants, the officials of the municipal corporations, of the state railways, the administrative boards of the monopolies, as also of the industrial concerns less immediately dependent on the state. (They in general no longer possess any private fortune, which, moreover, in Russia has been systematically annihilated.) And in all these respects there is no essential difference between the employee and the workman or



artisan who now only finds work with employers of the aforementioned stamp (i.e., with those who are directly or indirectly dependent on the public treasury) or between these and the petty landed proprietor who can hope to find a profitable sale for his produce only if he conform to the conditions fixed by the state. In a word: practically the whole nation eats bread that is not its own. Now, they are told, or given to understand or to divine, that this bread will be withheld if they do not display the opinion enjoined upon them. But it is not only the individual himself that lives on this bread; his wife and children also partake of it. Can we then expect such a threat—whether uttered or unuttered—to be resisted by the many? Here and there a fanatic, a hero, or some individual who has his own ax to grind may put up a resistance—one perhaps who has seen better days and has not learned in due time to crook his back in deference to power. On the whole a nation of employees cannot afford the luxury of having its own convictions. Partly on principle and according to plan, partly in consequence of actual, and in their results not too dissimilar, developments (impoverishment, concentration of wealth, increased power of the state, government influence), the middle class, which hitherto has been the leading spiritual stratum of European society, has been deprived of its economic independence; and, having lost this, it is, as has been shown, unable to preserve its intellectual freedom. Whoever has power over the economic being of another has—as a general rule and in the long run—power over his mental being also. I think *it was the tragic error of democratic socialism to think that men could be deprived of their economic independence and yet maintain independence of thought.* We see now that the latter depends on the former and is inseparable from it. Loyalty to one's convictions requires an economic prop; where this is lacking the former has no permanence. And this is confirmed by historical as well as by present experience. The pillars of spiritual—more especially of religious, but also of political—liberty have everywhere been, first of all, the higher and the lower aristocracy;



further, the burgesses, who if not actually wealthy were at least not without property; occasionally, too—here and there—the yeomen. And where has this liberty—where, above all, has the view that loyalty to one's country is compatible with criticism of the government in office prevailed up to the present day? In the rich western countries in which there still are propertied citizens or farmers; above all, in France, England, and the United States. Where this buttress of loyalty has broken down, the right to a personal conviction has vanished with it. Where the state absorbs all that is of value, it saps the uprightness of its citizens also. Whoever can ruin another economically can also prescribe to him a definite persuasion; and whoever has the power to do this will, sooner or later, do it.

And here may I be permitted to return once more to the starting-point of these considerations. What has just been advanced was known to and propounded by John Stuart Mill. At the end of the essay from which so many passages have been quoted he asserts (pp. 198 ff.) that if the roads, the railways, the banks, the great joint-stock companies, the universities, and the public charities were all of them branches of the government; if, in addition, the municipal corporations and local boards with all that devolves on them were departments of the central administration; if the employees of all these different enterprises were appointed and paid by the government, and looked to the government for every rise in life—then not all the freedom of the press and popular constitution of the legislature would make any country free otherwise than in name.

And so I have reached the end. I must, however, consider one more question: the future prospects of mental freedom. In which direction my wishes and hopes would point, I need scarcely say; but, uninfluenced by them, I should like to draw my answer solely from what I deem to be causal insight. And in this respect I must avow that I am filled with the deepest pessimism. Were it but a question of the forces that in our days have strengthened the disposition to intolerance, we should not need



to despair of the future; the new spiritual movements may with the lapse of time soften their harsh, almost brutal, seriousness; they may some time or other relax into a more tolerant mood; nor will the epoch of poverty, of distress, of destitution endure forever; and to the technical inventions of our age may be added new ones that are not quite so favorable to an intellectual monopoly. But for the conditions that have paralyzed the power of resistance of the thinking strata of the people I do not foresee an early end. No human eye can look into distant centuries. But, so far as my vision reaches, I do not see much that points to an early economic strengthening of a thinking—be it the old or a newly to-be-created—middle class in Central or Eastern Europe. And yet, in my humble, and in this case perhaps—as I would gladly hope—erroneous, judgment, mankind will have to face the following alternative: either developments will restore to a sufficiently numerous and influential class at least a minimum of economic independence; or the notions of tolerance and freedom of thought will be things of the past, our grandchildren will no longer understand these words, and if, after another seventy-five years, another speaker shall stand on this spot, he will have difficulty in making clear to his audience what it was that those terms implied.

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